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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION No. 4740 OF 2006

PETITIONER Shyam Narayan Shrivas S/o Babairam Shrivas, aged about 62 years, R/o. Ward No.6 Gaurela, Tahsil Pendra Road, Distt. Bilaspur (C.G.).

Versus

RESPONDENTS

1. State of Chhattisgarh Through – Secretary, Department of Revenue D.K.S. Bhawan, Raipur (C.G.).
2. The Additional Collector, Pendra Road, District Bilaspur.
3. The Sub Divisional Officer, Pendra Road, Distt. Bilaspur.
4. The Tahsildar, Pendra Road, Distt. Bilaspur.
5. The Chief Municipal Officer, Nagar Panchayat, Gaurela, Tah. Pendra Road, District Bilaspur (C.G.).
6. Rajkumar Shrivas S/o. Rammanohar Shrivas
7. Ramesh Kumar Shrivas S/o. Rammaohar Shrivas.
8. Smt. Mantora Bai Wd/o late Rammanohar Shrivas.

All R/o. Ward No.6 Gaurela Tah. & Distt. Pendra Road, Bilaspur (C.G.).

Present : Shri P.K. Tulsyan, learned counsel for the petitioner.
Shri Utkarsh Verma, learned Dy. G.A. for respondents 1 to 4.
Shri Ashok Soni, learned counsel for respondent No.5.
Shri Rakesh Pandey, learned counsel for respondents 6, 7 and 8.

ORAL ORDER
(Passed on 24th August, 2006)

To put the grievance of the petitioner, in brief, is that the alleged construction made by respondents 6 to 8 herein on the Government land has come in the way of the petitioner exercising his easementary right over the passage. Respondents 6 to 8 are private parties. Enforcing any public law obligation would not arise in this case. Be that as it may, I am of the considered opinion that in a matter like this, private law review

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remedies like declaration, injunction and damage are more comprehensive and effective than the relief that may be granted by this Court in a summary proceedings under Article 227 of the Constitution of India. Therefore, I decline to entertain this writ petition. It is accordingly dismissed, however reserving liberty to the petitioner to workout his legal remedies before the jurisdictional civil Court or any other statutory authorities, as the case may be. No costs.

Sd/-
Chief Justice

brajesh